



# City of Marietta Meeting Minutes CITY COUNCIL

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, July 14, 2010

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, Jim King, Van Pearlberg, Rev. Anthony Coleman, and Philip M. Goldstein

***Also Present:***

*Shannon Barrett, Assistant City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

**CALL TO ORDER:**

*Mayor Tumlin called the meeting to order at 7:05 p.m.*

**INVOCATION:**

*Mayor Tumlin called upon Council member Coleman to give the invocation.*

**PLEDGE OF ALLEGIANCE:**

*Everyone stood for the pledge of allegiance.*

**PRESENTATIONS:**

**20100669      Marietta Citizens' Police Academy**

Graduates from the Marietta Citizens' Police Academy are

Jonathan Beasley

Amy Hunkler

Timothy Boyd

Deborah Huwaldt

Timothy Bricker

Lori Nelson

Lamar Cheatham	Erle Newton
Austin Cobb	Patricia Powers
Jason Cochran	Francis Reeves
David Ellis	Marshal Reeves
Kyle Henderson	Judith Roberts
Rebecca Herrera	Joyce Taaffe
Karen Hinton	William Taaffe
Valerie Turley	

**Presented**

**PROCLAMATIONS:**

**20100817 Proclamation - Parks and Recreation Month**

Presentation of a Proclamation declaring July 2010 as "Parks and Recreation Month" in the City of Marietta and encouraging all citizens to enjoy what their community has to offer by taking part in their favorite sports, visiting the outdoors and spending time with friends and family.

**Presented**

**20100818 Proclamation - Disciples Mission Food Pantry Day**

Presentation of a Proclamation declaring Monday, July 5, 2010 as "Disciples Mission Food Pantry Day" in the City of Marietta and on behalf of all citizens, we recognize this worthy organization for the community services they perform.

**Not Presented**

**20100823 Proclamation - Katie Thompson**

Presentation of a Proclamation to Ms. Katie Thompson, who, through her caring diligence and professionalism as a dental hygienist saved the life of Ms. Robinson-Alexander.

**Presented**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

**CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

*The following amendments were made to the consent agenda:*

*-under Economic/Community Dev: Agenda item 20100753 was added to the consent agenda. Agenda item 20100743 was added to the consent agenda, with the following amendment, "Approval of an Ordinance adding Section 1-10-6-115, "Height Guidance for Historic Marietta Square Task Force."*

*-under Judicial/Legislative: Agenda item 20100745 was added to the consent agenda, with the following amendment, "Motion to approve a moratorium on issuing business licenses for pain management clinics, effective immediately upon approval and expiring October 14, 2010."*

*-under Other Business: Agenda item 20100790 was removed from the agenda.*

*A motion was made by Council member King, seconded by Council member Pearlberg, to approve the consent agenda as modified. The motion unanimously carried by the following vote:*

*Vote: 7 - 0 - 0*

*Approved*

*with the following exceptions:*

*Annette Lewis, Johnny Sinclair and Philip M. Goldstein voting against agenda item 20100753.*

*Philip M. Goldstein abstaining on agenda items 20100789 and 20100743.*

*Philip M. Goldstein and Van Pearlberg voting against agenda item 20100745.*

*Philip M. Goldstein voting against agenda items 20100739, 20100740 and 20100741.*

## MINUTES:

### \* 20100789 Regular Meeting - June 9, 2010

Review and approval June 9, 2010 regular meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 - 1**

**Approved**

Abstaining: Philip M. Goldstein

## MAYOR'S APPOINTMENTS:

## CITY COUNCIL APPOINTMENTS:

## ORDINANCES:

### 20100370 Z2010-05 Spruell Taylor Real Estate Investments, LLC

[Ord 7479](#)

Z2010-05 [ZONING] SPRUELL TAYLOR REAL ESTATE INVESTMENTS, LLC - Approval of an Ordinance rezoning property located in Land Lot 12310, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia and being known as 223 Crescent Circle from OI (Office Institutional) to OI (Office Institutional) with an additional use for retail florist. Ward 3.

Planning Commission recommends approval as stipulated

Vote: 7 – 0 – 0

Stipulation: Subject to submittal of the site plan including parking, driveway, streets, stormwater management, stormwater quality, downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual.

Mr. Gillis recommended approval, as stipulated, seconded by Mr. Kinney.

PUBLIC HEARING (all parties are sworn in)

*Mayor Tumlin called forward those wishing to speak. City Attorney Douglas Haynie explained the rules of order and asked if there was anyone present in opposition of the rezoning.*

*The applicant spoke regarding the rezoning request for property located in Land Lot 12310, District 16, Parcel 0420, 2nd Section, Marietta, Cobb County, Georgia and being known as 223 Crescent Circle from OI (Office Institutional) to OI (Office Institutional) with an additional use for retail florist.*

*Discussion was held.*

*Motion to approve granting the following variances:*

- 1. Variance to reduce the minimum lot size from 20,000 s.f. to 5,561 s.f. [Sect. 708.23 (H)].*
- 2. Variance to reduce the front yard setback for the existing structure from 30 ft. to 18 ft. at the closest point shown on the survey dated 5/10/10 by Georgia Land Surveying Co. Inc. [Sect. 708.23 (H)].*
- 3. Variance to reduce the side yard setback for the existing structure from 15 ft. to 9 ft. at the closest point shown on the survey dated 5/10/10 by Georgia Land Surveying Co. Inc. [Sect. 708.23 (H)].*
- 4. Variance to reduce the rear yard setback for the existing structure from 35 ft to 12 ft. at the closest point shown on the survey dated 5/10/10 by Georgia Land Surveying Co. Inc. [Sect. 708.23 (H)].*

*The following stipulation was also incorporated as a condition of zoning:*

*Subject to approval by staff of the site plan submitted by the applicant including parking, driveway, streets, stormwater management, stormwater quality, downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual.*

**The motion was made by Council member Sinclair, seconded by Council member Goldstein, that this matter be Approved as Amended. The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Amended**

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson**

- \* **20100753**      **FY 2011/2012 Fund Work Program (MRC)**
- Motion to approve the FY 2011/2012 Work Program for the Marietta Fund for Neighborhood and Community Revitalization.

**This Matter was Approved on the Consent Agenda.**

**Vote: 4 - 3 – 0**                      **Approved**  
Voting Against: Annette Lewis, Johnny Sinclair and Philip M. Goldstein

- \* **20100743**      **Height Guidance for Historic Marietta Square Task Force**
- [Ord 7484](#)      Approval of an Ordinance amending Section 1-10-6-110, to delete in its entirety "Marietta Redevelopment Task Force," including items A-F and to add a new section "Height Guidance for Historic Marietta Square Task Force."

*Council Member Goldstein disclosed that he, family members and other entities he has ownership in or family members have ownership in, own property in Downtown Marietta.*

*Motion to approve the Ordinance adding Section 1-10-6-115, "Height Guidance for Historic Marietta Square Task Force."*

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 0 – 1**                      **Approved**  
Abstaining: Philip M. Goldstein

**2. Finance/Investment: Annette Lewis, Chairperson**

- \* **20100764**      **Finance/Tax division expenses increased from collecting back taxes**
- Ord 7480*      Approval of an Ordinance amending the Fiscal Year 2010 General Fund budget to appropriate increased reimbursement revenue from back taxes to cover the cost of collection agency expenses.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**                      **Approved**

**20100636 FY2011 Welcome Center Contract**

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2011 Preliminary Budget Welcome Center Contract Worksheet and approve the FY2011 Welcome Center contract.

Council member Goldstein disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square, Lyric Theatre and Friends of the Strand as it pertains to funding from the 3% auto tax.

Council member Pearlberg disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

*Mayor Tumlin called for discussion regarding the FY2011 Welcome Center Contract.*

*Council member Goldstein left the council chamber during part of the discussion for which he previously disclosed a conflict of interest.*

*A motion was made by Council member Lewis, seconded by Council member King, to approve to approve funding to the organizations as outlined on the worksheet that was moved forward from the Finance Committee meeting.*

*An amendment to the motion was made by Council member King, seconded by Council member Coleman, to require the organizations to present reports to Council on or before April 1, 2011 outlining how the funds were used and how the funds have enhanced tourism for the City.*

*A substitute motion was made by Council member Sinclair, to approve to approve funding to the organizations as recommended, with the exception that \$20,000 would be subtracted from the organizations on the list proportionately and granting \$7,500 to the Atlanta Lyric Theatre, \$7,500 to the Earl Smith Strand Theatre, \$3,000 to the Georgia Ballet, \$2,000 to the Old Zion Baptist Church Heritage Museum, \$1,500 to the Cobb Landmark and Historical Society and deleting the Friends of Brumby Hall from the list.*

*Discussion was held regarding the worksheet previously handed out by staff. Council member Lewis wanted to clarify that this was not a recommendation by staff. The worksheet simply outlined the funding approved last year.*

*Council member Sinclair withdrew his substitute motion.*

*A substitute motion was made by Council member Sinclair, seconded by Council member Chalfant, to approve to approve funding to the organizations based on last year's figures, with the exception that \$20,000 would be subtracted from the organizations on the list proportionately and granting \$7,500 to the Atlanta*

*Lyric Theatre, \$7,500 to the Earl Smith Strand Theatre, \$3,000 to the Georgia Ballet, \$2,000 to the Old Zion Baptist Church Heritage Museum, \$1,500 to the Cobb Landmark and Historical Society.*

*An amendment to the motion was made by Council member King, seconded by Council member Coleman, to require the organizations to present reports to Council on or before April 1, 2011 outlining how the funds were used and how the funds have enhanced tourism for the City.*

*Council member Goldstein returned to the council chamber and asked that the motion be divided into two motions. Discussion was held by Council.*

*An amendment to the motion was made by Council member Sinclair, seconded by Council member Coleman, to remove the allocation of \$1,500 to the Cobb Landmark and Historical Society.*

*This matter was held for further discussion later during the meeting.*

### **3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

- \*      **20100739      Brumby Hall - Public Hearing**  
[Ord 7481](#)      Approval of an Ordinance designating Brumby Hall, located at 472 Powder Springs Street, as a historic property.  
  
                 **This Matter was Approved on the Consent Agenda.**  
  
                 **Vote: 6 - 1 – 0                      Approved**  
                 Voting Against: Philip M. Goldstein
- \*      **20100740      Clarke Library - Public Hearing**  
[Ord 7482](#)      Approval of an Ordinance designating the Clarke Library, located at 156 Church Street, as a historic property.  
  
                 **This Matter was Approved on the Consent Agenda.**  
  
                 **Vote: 6 - 1 – 0                      Approved**  
                 Voting Against: Philip M. Goldstein
- \*      **20100741      Marietta Waterworks - Public Hearing**  
[Ord 7483](#)      Approval of an Ordinance designating the Marietta Waterworks, located at 426 Sessions Street, as a historic property.  
  
                 **This Matter was Approved on the Consent Agenda.**  
  
                 **Vote: 6 - 1 – 0                      Approved**  
                 Voting Against: Philip M. Goldstein

**20100659 Church Street and Cherokee Street Truck Zones**

Approval of an Ordinance amending City Code 5-4-180, Truck Route to include:

5. Exceptions

This Ordinance shall not apply to any police, fire, ambulance or other public safety vehicle; vehicles owned or operated by the City; or vehicles owned or operated by designated representatives or contractors of the City actively engaged in the repair, maintenance or construction of City streets, street improvements or utilities within City's rights of way.

*Mayor Tumlin called for discussion regarding the Church and Cherokee Streets Truck Zones.*

*A motion was made by Council member Pearlberg, seconded by Council member Chalfant, to amend the ordinance for Church and Cherokee Streets that is currently stated in the Kennesaw Avenue Truck Route ordinance.*

*In depth discussion was held.*

*Stephen Imler and Patty Pearlberg spoke in favor of the motion made by Council member Pearlberg.*

*A substitute motion was made by Council member King, seconded by Council member Lewis, to refer this matter back to Committees.*

**The motion was made by Council member King, seconded by Council member Lewis, that this matter be Referred to the Judicial/Legislative Committee. The motion carried by the following vote:**

**Vote: 7 – 0 – 0                      Referred to the Judicial/Legislative Committee**

*Discussion was held regarding the public hearing for the adoption of an ordinance designating Brumby Hall, Clarke Library and Marietta Waterworks as historic properties.*

*A motion was made by Council member Lewis, seconded by Council member King, to rescind the motion approving the consent agenda as amended. The motion carried by the following vote:*

*Vote: 7 - 0 - 0                      Approved*

*Mayor Tumlin opened the public hearing regarding the adoption of an ordinance designating Brumby Hall, Clarke Library and Marietta Waterworks as historic properties. Seeing no one wishing to speak, the public hearing was closed.*

*The motion was made by Council member King, seconded by Council member Sinclair, to approve the consent agenda as amended. The motion unanimously carried by the following vote:*

*Vote: 7 - 0 - 0                      Approved*

**20100636 FY2011 Welcome Center Contract**

Motion approving a request to allocate hotel/motel and 3% auto rental tax funds according to the FY2011 Preliminary Budget Welcome Center Contract Worksheet and approve the FY2011 Welcome Center contract.

Council member Goldstein disclosed that he serves on the Board of Directors of the Welcome Center (Council appointee), has membership with the Marietta Museum of History, the Marietta-Cobb Museum of Art, and Cobb Landmarks & Historical Society. Further, Council Goldstein is the landlord for the Theatre in the Square and is a manager and part owner of the Herbert S. Goldstein Family Limited Partnership, which is the landlord for the Friends of the Strand, Inc., (Strand Theatre). Council member Goldstein abstains on matters dealing with Theatre in the Square, Lyric Theatre and Friends of the Strand as it pertains to funding from the 3% auto tax.

Council member Pearlberg disclosed that he is on the Marietta Museum of History Board of Directors; he is a member of Cobb Landmarks & Historical Society and Marietta-Cobb Museum of Art. Further, his wife is a member of the Georgia Ballet.

*Mayor Tumlin called for additional discussion regarding the FY2011 Welcome Center Contract.*

*Council member Goldstein left the council chamber during part of the discussion for which he previously disclosed a conflict of interest.*

*Council member Sinclair repeated his substitute motion to approve funding to the organizations as shown below, with the amendment motion to require the organizations to present reports to Council on or before April 1, 2011 outlining how the funds were used and how the funds have enhanced tourism for the City and the amendment to remove the allocation of \$1,500 to the Cobb Landmark and Historical Society.*

*Hotel Motel Tax (\$1,580,000 \* 12.5%)*

*A 197,500 Welcome Center*

*3% Auto Rental Excise Tax*

*B 44,000 Rent at 18 Whitlock Ave*

*C 50,927 Marietta-Cobb Museum of Art*

*D 38,196 Theater in the Square*

*E 128,579 Museum of History*

*F 2,547 Friends of Brumby Hall*

*G 34,222 GWTW Museum*

*H 1,529 Friends of Brown Park*

*I 7,500 The Atlanta Lyric Theatre*

*J 7,500 Earl Smith Strand Theatre*

*K 3,000 Georgia Ballet*

*L 2,000 Old Zion Baptist Church Heritage Museum*

*A substitute motion was made by Council member Lewis, seconded by Council member King, to approve funding to the organizations as shown below with the amendment motion to require the organizations to present reports to Council on*

or before April 1, 2011 outlining how the funds were used and how the funds have enhanced tourism for the City.

*Hotel Motel Tax (\$1,580,000 \* 12.5%)*

*A 197,500 Welcome Center*

*3% Auto Rental Excise Tax*

*B 44,000 Rent at 18 Whitlock Ave*

*C 51,300 Marietta-Cobb Museum of Art*

*D 41,000 Theater in the Square*

*E 125,000 Museum of History*

*F 36,700 GWTW Museum*

*G 2,000 Friends of Brown Park*

*H 7,500 The Atlanta Lyric Theatre*

*I 7,500 Earl Smith Strand Theatre*

*J 3,000 Georgia Ballet*

*K 2,000 Old Zion Baptist Church Heritage Museum*

*Council member Goldstein returned to the Council Chamber and asked if his request that the motion be divided into two motions would be granted. The request was denied. Council member Goldstein again left the council chamber.*

*Mayor Tumlin called for a vote on the substitute motion made by Council member Lewis. The motion failed by the following vote:*

*Vote: 1 - 5 - 0 Failed*

*Voting Against: Grif Chalfant, Johnny Sinclair, Jim King, Van Pearlberg and Rev. Anthony Coleman*

*Absent for the vote: Philip M. Goldstein*

*Mayor Tumlin called for a vote on the substitute motion made by Council member Sinclair.*

**The motion passed by the following vote:**

**Vote: 5 - 1 - 0 Approved**

**Voting Against: Annette Lewis**

**Absent for the vote: Philip M. Goldstein**

\* **20100754 Contract approval - Unifund**

Motion approving the Unifund contract for collection of outstanding redlight citations.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0 Approved**

**20100744 Noise Ordinance**

[Ord 7485](#)

Approval of Noise Ordinance amending Chapter 6, part 10 of the Code of Marietta, Georgia Section 10-6-100 Enforcement Procedures.

*A motion was made by Council member Coleman, seconded by Council member Chalfant, that this matter be approved, as presented.*

*A substitute motion was made by Council member Pearlberg, seconded by Council member Lewis, to approve the ordinance reducing the timeframe from 24 months to 12 months.*

**The motion was made by Council member Pearlberg, seconded by Council member Lewis, that this matter be Approved as Amended. The motion carried by the following vote:**

**Vote: 4 – 3 – 0                      Approved as Amended**

Voting Against: Rev. Anthony Coleman, Johnny Sinclair and Grif Chalfant

\*            **20100792            Suspension of Rules of Order**

Motion to suspend the Rules of Order to approve File Reference Number 20100777, Amendments to City Code to remove all references to “Committee of the Whole” and insert the new state changes to the City Charter.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

\*            **20100777            Amendments to City Code**

*Ord 7486*

Approval of Ordinance amending the Marietta City Code to remove the phrase "Committee of the Whole" and insert the new language from the new state changes to the City Charter.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

\*            **20100745            Pain Clinic Moratorium**

Motion to approve a \_\_\_\_ day moratorium on issuing business licenses for pain management clinics.

*Motion to approve a moratorium on issuing business licenses for pain management clinics, effective immediately upon approval and expiring October 14, 2010.*

**This Matter was Approved as Stipulated on the Consent Agenda.**

**Vote: 5 - 1 – 1                      Approved as Stipulated**

Voting Against: Philip M. Goldstein

Abstaining: Van Pearlberg

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

\*            **20100654            Art in the Park**

Motion approving a request for the sale and consumption of beer and wine

adjacent to Glover Park in accordance with Ordinance 10-4-070 C. and E. during the Art in the Park Festival show hours on September 4-6, 2010 with the stipulation that the applicant conduct the sale of beer and wine from a location on a portion of the street at the corner of North and East Park Square.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

- \* **20100742      Resolution of Council**
- Res 1494      Approval of a Resolution of Council to hold all council meetings whether called, regular or special in the Council Chamber, except as otherwise specified in the call of the meeting. Staff shall endeavor to record all council meetings held in the council chamber by audio/video and make available on the city's web page not including Executive Session, which shall be held at a specified location, or any other exceptions to Georgia Law. This shall be effective immediately upon passage by council and continue until altered by a Resolution of Council.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

\* **20100766      Marietta Redevelopment Corporation Officers**

Approval of appointments of Ronald H. Francis for Chairman and Terry G. Lee for Vice Chairman of the Marietta Redevelopment Corporation.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

- \* **20100698      Standard Operating Procedures**
- Motion approving revisions to the Standard Operating Procedure for the Marietta Police Department: A020 Deadly & Non Deadly Force, A041 Organizational Structure, A072 Departmental Records, C050 Crime Prevention, C020 Community Response Unit, P010 Patrol Operations, P015 Video & Audio Recording Equipment, P046 Legal Process, S020 Canine Program, and S045 Crime Interdiction Unit.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0**

**Approved**

**7. Public Works Committee: Jim King, Chairperson**

- \*        **20100721        Electronic Speed Monitor**
- Motion to place an electronic speed monitor on a temporary basis in the vicinity of 84 Polk Street.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0                      Approved**
- 
- \*        **20100748        Waddell Street Sidewalk Closure**
- Motion authorizing request by Choate Construction to close Waddell Street sidewalk temporarily and install temporary mid-block crossing.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0                      Approved**
- 
- \*        **20100763        Stream Buffer Variance Request**
- Motion authorizing request by Dr. Greg Nesmith, Homeowner at 335 N. Hillcrest Dr, for a stream buffer variance allowing water quality improvements to offset impact to the stream buffer.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0                      Approved**
- 
- \*        **20100783        Property acquisition - 56 Whitlock Avenue**
- Motion authorizing acquisition of donated right of way deed and construction easement at 56 Whitlock Avenue from First Methodist Church for the purpose of the South Marietta Parkway Median and Sidewalks Improvements Project
- Mayor Steve Tumlin disclosed that he served for a period of time as the Chairman of the Board of Trustees for the First Methodist Church.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0                      Approved**

**SCHEDULED APPEARANCES:****UNSCHEDULED APPEARANCES:**

*Lee Davis, attorney for Waleed "Lee" Jaraysi presented a proposal and contract for Council consideration regarding property located at 555 Commerce Avenue.*

*Nicki Harper, property manager for Parkway Center, expressed concern with the possible approval the proposal and contract presented by Mr. Jaraysi's attorney, which essentially would give him more time to complete the building located at 555 Commerce Avenue.*

*Charles C. "Chuck" Clay, partner at Brock Clay Attorneys at Law, also expressed concern with the possible approval the proposal and contract presented by Mr. Jaraysi's attorney.*

*Mayor Tumlin closed the unscheduled appearance portion of the agenda.*

## **OTHER BUSINESS:**

\*

### **20100784 Coventry Township Lane Speed Limit**

Motion to approve a request by Citizen for speed limit reduction and signage on Coventry Township Lane.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Approved**

### **20100790 BLW Actions of July 6, 2010**

Review and approval of the July 6, 2010 actions and minutes of the Marietta Board of Lights and Water.

**This matter was Removed**

*City Attorney asked Mayor and Council to consider adding a motion to the agenda to consider an Ordinance amending the Fiscal Year 2011 Budget to appropriate \$90,000 from fund balance for the demolition of the building at 555 Commerce Avenue to the agenda.*

*Mayor Tumlin asked if there were any other motions to be considered regarding the proposal/contract presented by Mr. Jaraysi's attorney.*

*A motion was made by Council member Goldstein to suspend the rules of order to add an agenda item to consider the proposal/contract presented by Mr. Jaraysi's attorney. The motion failed for lack of a second.*

*A motion was made by Council member Chalfant, seconded by Council member Lewis, to suspend the rules of order to add an item to consider the approval of an Ordinance amending the Fiscal Year 2011 Budget to appropriate \$90,000 from fund balance for the demolition of the building at 555 Commerce Avenue to the agenda. The motion failed by the following vote:*

*Vote: 6 - 1 - 0                      Failed*

*Voting Against: Philip M. Goldstein  
(Motion failed for lack of a unanimous vote.)*

*A motion was made by Council member Goldstein to suspend the rules of order to add an agenda item to consider the proposal/contract presented by Mr. Jaraysi's attorney and an agenda item to consider an Ordinance amending the Fiscal Year 2011 Budget to appropriate \$90,000 from fund balance for the demolition of the building at 555 Commerce Avenue to the agenda. The motion failed for lack of a second.*

*Discussion was held regarding a Special Called Meeting.*

*A motion was made by Council member King to call a Special Called Meeting prior to the meeting being considered by Mayor Tumlin.*

*City Attorney Doug Haynie explained that the motion would not be appropriate since a Special Called meeting has not actually been called by the Mayor.*

*Further discussion was held.*

*A motion was motion was made by Council member Lewis, seconded by Council member Chalfant, to adjourn the meeting. The motion carried unanimously.*

**ADJOURNMENT:**

*The meeting was adjourned at 9:15 p.m.*

**Date Approved:** \_\_\_\_\_

\_\_\_\_\_  
**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**